

Appl. No. : 10/041,829  
Filed : January 7, 2002

### REMARKS

Claims 2 and 7-9 have been withdrawn from further consideration as being drawn to a non-elected invention. Claim 6 has been amended to comply with the U.S. practice. Claim 11 has been added. The amendments do not constitute the addition of any new matter to the specification. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the following remarks.

#### Election/Restriction

If a generic claim (currently Claim 1) is held allowed, it is respectfully requested that a non-elected species (Claims 2 and 7-9) be rejoined and examined on the merits.

#### Rejections Under 35 U.S.C. § 102 and § 103

Claims 1 and 4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ouderkirk et al. (US 5,825,543). Claims 3, 5, 6 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ouderkirk et al. (US 5,825,543). Applicant respectfully traverses the above rejections as follows:

In the present invention as set forth in Claim 1, it is essential to an optical diffusing plate that a positive uniaxial liquid crystal polymer is aligned perpendicularly to a stretching axis of the birefringent stretched film. The optical diffusing plate gives an anisotropic scattering of a linearly polarized light and has an excellent diffusion property in a scattering direction, and is suitable for improving visibility, brightness etc. of a liquid crystal display etc. (see page 1 of the present specification). If the alignment direction is perpendicular to a stretching axis of the birefringent stretched film, the above excellent properties cannot exhibit (see the comparative examples).

The Examiner states that Ouderkirk et al. discloses inorganic materials such as silica-based polymers, organic materials such as liquid crystals, and polymeric materials, including monomers and polymers, and suitable polymeric materials for use as the continuous or disperse phase may be amorphous, semi-crystalline, or crystalline polymeric materials, including materials made from monomers based on carboxylic acids.

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However, in the above, Ouderkirk et al. teaches (i) organic materials such as liquid crystals, and (ii) polymeric materials such as crystalline polymeric materials. Ouderkirk does not teach liquid crystal polymers (or polymer liquid crystal). "Crystalline polymeric materials" described in Ouderkirk are not liquid crystals (see the examples listed; none of them is a liquid crystal polymer), and likewise, "liquid crystals" described in Ouderkirk et al. are not polymers. No other description can be found in Ouderkirk et al. with respect to "liquid crystals".

Thus, Ouderkirk et al. discloses the term "liquid crystals" (or "crystalline polymeric materials") only. In contrast, the present invention uses a "liquid crystal polymer" which is "positive uniaxial" and "aligned perpendicularly to a stretching axis of the birefringent stretched film." The "liquid crystals" (or "crystalline polymeric materials") are too general to negate patentability of a "positive uniaxial" "liquid crystal polymer" "aligned perpendicularly to a stretching axis of the birefringent stretched film." In the present invention, the above advantages such as improved visibility or brightness can be exhibited, which are unexpected from Ouderkirk et al.

Ouderkirk et al. fails to disclose every element of Claims 1 or 4, and withdrawal of the rejection under § 102 is respectfully requested. Further, Claims 3, 5, 6 and 10 are dependent ultimately on Claim 1, and at least for the reasons above, these claims could not be obvious over Ouderkirk et al. Withdrawal of the rejection under § 103 is respectfully requested.

#### New Claim 11

Claim 11 added herein is dependent on Claim 5. Thus, as with Claim 5, Claim 11 could not be obvious over the prior art.

### CONCLUSION

In light of the Applicant's foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: August 22, 2003

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